

REMARKS

Claims 1-31, 33-36, and 38-72 are pending in the application and stand rejected.

Claim Objections

Claims 1 and 59 stand objected to for certain informalities that have been addressed in the amendments presented herein.

Rejection under 35 U.S.C §103

All claims stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,373,389 to Przygoda in view of U.S. Patent No. 6,297,737 to Irvin. The Examiner acknowledges that Przygoda does not disclose piconets or piconet telecommunication devices. However, the Examiner finds that “Irvin teaches a piconet and a piconet telecommunication devices” and then opines that “it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Irvin into the system of Przygoda in order to allow the user to conveniently determine the location of one or more items of interest in a piconet.” Applicants are in respectful disagreement with the Examiner.

“To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.” MPEP §2142. The Examiner has set forth not the slightest hint of such motivation, real or otherwise, in either of the cited references nor has he invoked the general knowledge of those skilled in the art. To merely state the benefit conferred by the invention is not setting forth the required showing of motivation but rather merely applying the benefit of hindsight to its fullest in combining disjointed references with the benefit of the invention itself as an explicit roadmap.

“Second, there must be a reasonable expectation of success... The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.” MPEP §2142. The Examiner has

offered not one single detail as to how exactly the skilled person would go about “providing” the teachings of Irvin into the system of Przygoda. Przygoda is directed to monitoring location within a precisely controlled physical environment and uses wireless technology to allow sensing the location of an object, and thus physically tracking that object, over time. Irvin, by contrast, is not coupled in any way to a particular physical location but rather enables a controlling device to reveal the presence of known objects within a certain proximity. It is certainly not immediately apparent how the controlled arrangements of Przygoda could be modified to form a piconet, or indeed if this is even practically feasible, and the Examiner’s dismissive remarks fall far short of the burden imposed by the Rules and the MPEP.

“Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.” MPEP §2142. The Examiner has made no showing of where each and every claimed limitation that is missing in Przygoda may be found in Irvin. For instance, there is absolutely no mention or hint of any piconet telecommunications devices maintaining an activity log as recited by the present independent claims. Applicants have reviewed the entire Irivn reference with great care and simply cannot find such a limitation taught anywhere in this document. Applicants thus respectfully submit that the Examiner has failed clearly and specifically identify where each and every claim limitation is taught in either of these two references, the above arguments regarding the impropriety of combining these two references notwithstanding.

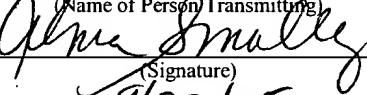
Thus, in light of the above, Applicants therefore respectfully submit that the cited art is not properly combined because there is no motivation for the skilled person to attempt such a combination and because even if attempted, such a combination would not produce a workable system or would not produce a system that anticipates the current claims, and all currently pending claims are therefore in fact patentable over the cited art. Applicants thus respectfully request that the Examiner reconsider in light of the preceding and pass the claims to issue.

Regarding the prior art made of record by the Examiner but not relied upon, Applicants believe that this art does not render the pending claims unpatentable.

In view of the above, Applicants submit that the application is now in condition for allowance and respectfully urge the Examiner to pass this case to issue.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.

I hereby certify that this correspondence is being deposited with the United States Post Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

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Alma Smalling
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Respectfully submitted,



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